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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

944-003.151-1

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on 3/4/10Signature Lorraine F. KniffinTyped or printed name Lorraine F. Kniffin

Application Number

10/606,284

Filed

June 25, 2003

First Named Inventor

SEPPINEN

Art Unit

2618

Examiner

Eugene Yun

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒

attorney or agent of record.

Registration number 31,391☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Francis J. Maguire

Signature

Francis J. Maguire

Typed or printed name

203-261-1234

Telephone number

3-MARCH-2010

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒*Total of 2 forms are submitted.

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DOCKET: 944-003.151-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: **Pauli SEPPINEN et al**

U.S. Serial No.: **10/606,284**

Examiner: **Eugene Yun**

Filed: **June 25, 2003**

Group Art Unit: **2618**

For: **BLUETOOTH RF BASED RF-TAG READ/WRITE
STATION**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

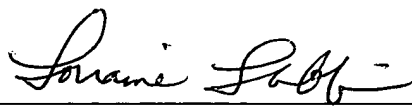
ACCOMPANIED BY NOTICE OF APPEAL

Sir:

In response to the Final Action of October 14, 2009, Applicant requests review of the rejection prior to preparing an Appeal Brief for the following reasons:

CERTIFICATE OF MAILING

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Lorraine F. Kniffin

Dated: 3/4/10

REMARKS

This Request for Review is filed with a Notice of Appeal with fee in response to the Final Action of December 4, 2009.

Based on the claim language, the pending claims include a limitation where the mixer is configured to be operable in both of the two modes (emphasis supplied):

1. A dual mode transceiver, comprising:
 - a mixer; and
 - a controller configured to adapt the transceiver to operate in two modes operating either as a radio frequency tag reader or as a Bluetooth transceiver by changing reception and transmission capabilities of the transceiver, wherein the controller is configured to control the mixer to operate in both of the two modes, wherein the mixer is useable for said transceiver operating as said radio frequency tag reader or as said Bluetooth transceiver.

The prior art does not show or suggest the claimed invention as a whole and, in particular, does not show or suggest a controller configured to control the mixer to operate in both of the two modes, wherein the mixer is useable for said transceiver operating as said radio frequency tag reader or as said Bluetooth transceiver.

The Examiner raised an issue in the Advisory Action concerning the meaning of the above mentioned limitation. The Examiner stated in the Advisory Action that nowhere in the claims does it specifically state that the mixer must operate **only** in the Bluetooth or **only** in the

RFID mode. However, the claims include only a limitation that the mixer must be operable either of the two modes in some shape or form.

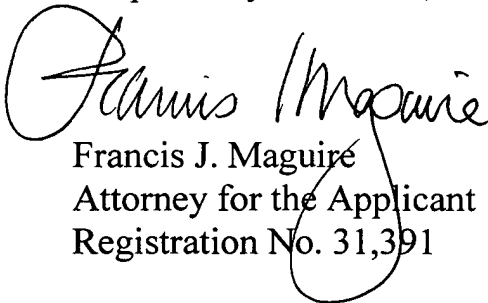
It seems that if the Applicants were to accept the interpretation of the claim or were to insert additional or substitute language suggested by the Examiner, then it could later be susceptible to an incorrect interpretation that the mixer must operate only in the Bluetooth or only in the RFID mode but not both, as claimed.

The claim claims the “mixer” in the singular and it is clear from the claim that the mixer is controlled to operate in both of the two modes. The mode in which it is operating depends on how the controller controls it.

It is of course true that the mixer is operating only in the Bluetooth mode when it is controlled to be operating in the Bluetooth mode and that it is only operating in the RFID mode when it is controlled to be operating in the RFID mode. But that is evident from the language of the claim as currently pending.

Review of the rejection and reopening of prosecution to allowance is requested.

Respectfully submitted,


Francis J. Maguire
Attorney for the Applicant
Registration No. 31,391

Tel.: (203) 261-1234